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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,083	01/15/2002	Robert A. Chesley	27609-04001	5378

24024 7590 12/27/2006  
CALFEE HALTER & GRISWOLD, LLP  
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SUITE 1400  
CLEVELAND, OH 44114

EXAMINER
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MAGUIRE, LINDSAY M

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/047,083

Applicant(s)

CHESLEY ET AL.

Examiner

Lindsay M. Maguire

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/16/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The following reference, U.S. Pat. No. 5,884,389, present on the Information Disclosure Statement filed on December 16, 2002, is a non-applicable reference, and therefore has not been considered.

### ***Claim Objections***

Claims 1, 2, 4, 5, 9, 10, 11, 13, 17, 18, 19, 20 objected to because of the following informalities: the words "Vendor(s)" and "Buyer(s)" are capitalized in these claims. It is improper for any word to be capitalized other than the first letter in a claim. Appropriate correction is required.

Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Specifically the recitation, "electronically transmitting the ordering data to the common computing device" in lines 3-4 of claim 3, is previously presented in lines 5-6 of claim 1, from which claim 3 depends. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,694,551 (Doyle et al. '551).

Doyle et al. '551 disclose a method for transmitting an order, the method comprising: generating respective ordering data for a plurality of buyers (104a, 104b, 104c), the ordering data being represented as electronic signals and identifying the respective buyer and an item (102); transmitting the ordering data from the buyers to a common computing device (100); identifying one of a plurality of vendors as a function of the item and the buyer (1000); generating the order for the vendor, the order identifying the respective buyer, the vendor, and a quantity (column 4, lines 4-20); and transmitting the order to the vendor (also labeled 102). Doyle et al. '551 additionally discloses that transmitting the ordering data includes transmitting the ordering data for each of the buyers to a network (Figures 2 & 3); and transmitting the ordering data for each of the buyers from the network to the common computing device (1006); wherein transmitting the order to the Vendor includes: transmitting the order from the common computing device to a network (Figures 2 & 3); transmitting the order from the network to the respective vendors (106a, 106b). Doyle et al. '551 also discloses that

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transmitting the order to the vendor includes electronically transmitting the order to the vendor (1010); determining the quantity before ordering data is transmitted to the common computing device (134); determining the quantity after ordering data is transmitted to the common computing device (1008, 1010); determining the quantity of as a function of a default quantity associated with the item (1032); and determining the quantity as a function of a replenishment quantity associated with the item (column 5, lines 28-36); confirming the order data for one of the buyers was transmitted to the common computing device, and confirming the order was transmitted to the vendor (column 3, lines 36-40); and managing, via the respective buyer, the vendor associated with the item (1004, 134).

Additionally, Doyle et al. '551 discloses that the means for determining the quantity before and after the ordering data is transmitted to the common computing device includes: a look-up table accessed by one the electronic devices (column 3, lines 24-40); means for transmitting a first confirmation from the common computing device to the respective buyer as a function of successfully receiving the ordering data into the computing device, and means for transmitting a second confirmation from the vendor to the buyer as a function of successfully receiving the order by the vendor (column 8, lines 16-27); and means for changing the vendor determined as a function of the item and the buyer (column 4, lines 36-45).

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsay M. Maguire whose telephone number is 571-272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lindsay M. Maguire  
12/13/06

  
RICHARD E. CHILCOT, JR.  
SUPERVISORY PATENT EXAMINER